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as a separate compilation

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ELECTION COMMISSION, INDIA

NOTIFICATION

*New Delhi, the 3rd June, 1964*

**S.O. 2069-A.**—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 13 of 1964, presented to the Commission on the 29th May, 1964 under section 81 of the said Act, by Sri K. Velayudha Nair, son of Kesava Nair, 17, Goods Shed Street, Madurai Town, Madurai District, calling in question the election to the House of the People from the Aruppukkottai constituency of that House of Sri R. Kasinatha Durai, son of Muthuramalinga Sethupathy, *alias* Rajarajeswara Sethupathy, "Tank View" Ramanathapuram, Madras State

BEFORE THE ELECTION COMMISSION, NEW DELHI

ELECTION PETITION No. 13 of 1964

*Between*

Sri K. Velayudha Nair—*Petitioner.*

*and*

(1) Sri R. Kasinatha Durai, (2) Sri G. Lakshmana Subbarajulu and (3) Sri S. S. Karuppasami—*Respondents.*

*Petition under sections 81 to 84 and 100 and 101 of the Representation of the People Act, 1951*

1 *Address of the petitioner.*—Sri K. Velayudha Nair, son of Kesava Nair, Hindu, Advocate, aged about 50 years and residing at 17 Goods Shed Street, Madurai Town, Madurai district, Madras State.

The address for service of all processes, etc., on the petitioner is as stated above.

2. *Address of the respondents.*—(1) Sri R. Kasinatha Durai, son of Muthuramalinga Sethupathy *alias* Rajarajeswara Sethupathy, Hindu aged about 50 years, Landlord, "Tank View", Ramanathapuram, Madras State.

(2) Lakshmana Subbarajulu, son of Govindasamy Naidu, Hindu, Homoeopathy Doctor aged about 52 years, Palayampatti Post, Aruppukkottai taluk, Ramanathapuram district, Madras State.

(3) S. S. Karuppusamy, son of Sankaralingam, aged about 45 years, Merchant, Post Box No. 7, Aruppukkottai Post, Ramanathapuram district, Madras State.

Address for service of all processes, etc., on the respondents is as stated above.

3. Consequent on the demise of Sri U. Muthuramalinga Thevar, there was a Bye-Election to the House of the people from the Aruppukkottai Parliamentary Constituency in Ramanathapuram district in the State of Madras. Nine candidates filed their nominations. Five of them withdrew their nominations, before the time allowed and the remaining four, who are the petitioner and the respondents, contested the election.

4. The poll for the election was on 15th April, 1964. The result of the election was declared on 18th April, 1964 as under:—

1. First respondent	..	..	..	1,38,358 votes.
2. Petitioner	..	..	..	1,31,281 votes.
3. Second respondent	..	..	..	9,348 votes.
4. Third respondent	..	..	..	3,952 votes.

Consequent on this, the returning officer declared the first respondent as having been returned as a member of Parliament from the Aruppukkottai Parliamentary Constituency.

5. The petitioner submits that the first respondent belongs to the caste and community of Mukkulathors of whom Agambadhars, Maravars and Kallars are members. His elder brother, the Raja of Ramanathapuram, is a sitting member of the Madras Legislative Assembly. His election agent was his son-in-law. The first respondent contested the election on Congress ticket.

6. The petitioner submits that during his election campaign the first respondent, his agents and other persons with the consent of the first respondent and his election agent had decided to carry on a systematic appeal to the voters throughout the constituency to vote for the first respondent on the ground of his caste and community, viz., Thevar and region from which he claims and the language which he spoke, viz., a Tamilian and to refrain from voting for the petitioner on the ground of his caste, community, region and language, viz., "a Malayalee Nair".

7. Pursuant to the above design the first respondent, his agents, persons belonging to the Congress party and several other persons all of them either with the consent and the connivance of the first respondent carried out wide and extensive propaganda, by addressing several meetings in the constituency. In all these meetings the respondent, his elder brother, Raja Shanmugha Rajeswara Sethupathy, a sitting Member of the Legislative Assembly, Madras and an influential member of the Marava community, several leaders of the Congress party and others spoke exhorting the voters, majority of whom belonged to the Mukkulathor community to vote for the first respondent on the ground that the latter came from the same Mukkulathor community, that the first respondent was a Tamilian, who hailed from the Tamil Nad and spoke the same language, viz., Tamil as the voters. The speakers also made systematic appeal to the voters to refrain from voting to the petitioner on the ground of his being a Malayalee Nair meaning thereby that he belonged to a different caste, came from a different region and spoke a different language; more so, for a seat vacated by U. Muthuramalinga Thevar whom the Mukkulathors worshipped as God.

8. The petitioner gives below some of the instances when appeal to the voters was made on grounds of caste, region and language, with such particulars thereof as the petitioner is able to gather. The petitioner craves leave of this Tribunal to permit the petitioner to give further instances and furnish further particulars thereof if and when he is able to obtain them.

(a) On 5th April, 1964, the elder brother of the first respondent, Raja Shanmugha Rajeswara Sethupathy, M.L.A. (Madras State), went to a number of villages, Eruvady, Bikkal, Ethampadal, Vallakulam, Odaikulam and other places in Mudukulathur taluk. He was accompanied by the first respondent and the local Congress leader Sri Balakrishnan. In all these places Raja Shanmugha Rajeswara Sethupathy, M.L.A., the first respondent, Sri Balakrishnan and other speakers addressed large gatherings of voters. In the course of his speeches, Raja Shanmugha Rajeswara Sethupathy, the first respondent and other speakers mainly referred to the petitioner as a Malayalee Nair, and said that for the seat in Parliament vacated by the death of U. Muthuramalinga Thevar, a great leader of Maravars—only a person belonging to the Maravar community should be elected. A Nair

from Kerala should not be supported. They exhorted the voters not to vote for a Malayalee Nair (meaning thereby the petitioner) which otherwise would mean an attempt to betray and ruin the Maravars.

(b) In Odakkulam village on the same date (*i.e.*), 5th April, 1964, a public meeting which was very largely attended to was held at about 9-00 p.m. Raja Shanmugha Rajeswara Sethupathy addressed this gathering of voters and spoke that he had great respect and devotion for the late U. Muthuramalinga Thevar who was worshipped as a great leader by the Maravars. He posed the question as to who was the person to be elected to the seat in the Parliament vacated by U. Muthuramalinga Thevar, and answered it himself by saying that it should be a person belonging to the Maravar community like the first respondent and not a Nair from Kerala (meaning thereby the petitioner). He earnestly appealed to the voters that if they think of supporting a Malayalee Nair it will be like attempting to betray and ruin the Maravars. The first respondent who also addressed the voters said that his brother the Maharaja, who had always stood for the uplift of the Maravar Samugam, has spoken to them with real and intense feelings and that they should all act in accordance with what he spoke to them. He also referred to late Muthuramalinga Thevar as a jewel among Maravars and appealed to the voters that only a man of his community alone should be supported and elected to the seat vacated by the death of Muthuramalinga Thevar. He also spoke that they should not give their votes to the opposite party candidate who is a "Nair" from Kerala. Any vote given to him will be an act of betrayal to the Thevar Samugam.

(c) On 6th May, 1964, Raja Shanmugha Rajeswara Sethupathy, M.L.A., accompanied by his brother the first respondent, Sri Balakrishnan and others visited the villages of Thervazhi, Kakoor, Thiruvaramangam and addressed election meetings. At 9-30 p.m. they addressed a big meeting at Mudukulathur. In all these places the speakers appealed to the gatherings of voters only to vote for the first respondent belonging to the Maravar community and not to the petitioner who is a Malayalee Nair from Kerala. All the speakers in their election campaign in favour of the first respondent and also the first respondent used as a ground against the petitioner that he is a Malayalee Nair and as such is not fit to occupy the seat in Parliament vacated by Sri U. Muthuramalinga Thevar who was worshipped as a leader of the Maravar community.

(d) In the Mudukulathur public meeting held at 9-30 p.m. on the same date (*i.e.*), 6th April, 1964, Raja Shanmugha Rajeswara Sethupathy addressed the voters who had gathered in their thousands. He spoke to them that Sri Muthuramalinga Thevar was a great leader whom all Mukkulathors (Maravars, Ahambadiyars and Kallars) worshipped. The seat left vacant by his death should be occupied only by a person belonging to his Samugam. A Malayalee Nair is standing as a candidate. Is he a fit person to be substituted in the place of Muthuramalinga Thevar who was an undisputed leader of the Maravars? Another Malayalee, a Cinema Star (meaning Mr. M. G. Ramachandran) may come to do propaganda for him. But you must not be moved by such things. Are we asked to pay our respects to a Malayalee Nair from Kerala? If you support him, it will be a betrayal to the Mukkula Makkal. After Sethupathy's speech, the first respondent also addressed the same gathering of voters. In a short speech he said that his elder brother Maharaja (meaning Raja Shanmugha Rajeswara Sethupathy) has spoken everything clearly, and asked them to follow his advice. He appealed to the voters not to vote to a Malayalee Nair, but to give their full support only to him as he was a Marava from Tamil Nad.

(e) On 7th April, 1964, Raja Shanmugha Rajeswara Sethupathy, the first respondent, Siruhothu M. M. Swamy, Ramu Thewar and R. M. D. Soundara Pandyan of Kamuthi went to Melalodumalur Nagaratharkurichi, Abiramam, Singapuliypatty, Pappankulam and Kamuthi in Mudukulathur taluk and did election propaganda work in favour of the first respondent. In all these places they addressed gatherings of voters and also public meetings. The main purport of the speeches made by Raja Shanmugha Rajeswara Sethupathy and the first respondent in these places was that the Mukkulathor voters should only support the first respondent who is a Marava by caste and not a Malayalee Nair from Kerala. That the person to occupy the seat in Parliament vacated by late Muthuramalinga Thevar should be a Maravar by caste. A Nair from Kerala should not be supported, in a seat in the Parliament vacated by the death of Muthuramalinga Thevar whom the Mukkulathors worshipped as a God. Who is this Malayalee Nair to contest in this seat? Only a person of the Mukkulathor Samugam should occupy the seat vacated by late Muthuramalinga Thevar. In Abiramam, the public meeting was held in the cinema theatre at about 3-30 p.m. on 7th April, 1964. Raja Shanmugha Rajeswara Sethupathy addressed the gathering of voters. He spoke to them that in the seat where Muthuramalinga Thevar contested, are they to support a Malayalee Nair from Kerala? In that seat only a Maravar should contest and as such his brother the first respondent who is a Maravar should alone be supported. Muthuramalinga Thevar was the chief of the Mukkulathor Makkal (Maravar, Ahambadiyars and Kallars). They

worshipped him as their leader. Are they now to turn those hands with which they respected Thevar (meaning late Sri Muthuramalinga Thevar) towards a Malayalee Nair from Kerala (meaning the petitioner). He would never ask them to betray and ruin the Makkulathor Samuham by supporting a Malayalee Nair. The audience consisted mostly of Marava voters. Finally he exhorted the audience not to vote for a Malayalee Nair from Kerala, but to cast every vote in favour of his brother the first respondent. Sri R. M. D. Sundara Panayan and Ramu Thevar also spoke. They also referred to the fact that the petitioner is some Malayalee Nair from Kerala and as such does not deserve any support from them. After these the first respondent addressed the meeting and he endorsed what all the previous speakers had spoken to them. He said that on his behalf his brother Raja Shanmugha Rajeswara Sethupathy had told them in detail or what all he wanted to tell them. He said he belonged to the Marava Community of which Sri Muthuramalinga Thevar was the leader. It will be a great misfortune to the entire Makkulathor Samuham if a Malayalee Nair from Kerala (meaning thereby the petitioner) is to occupy the seat vacated by their leader. He appealed to the voters not to vote for the petitioner as he is a Malayalee Nair, but only to vote for the first respondent.

(f) At about 10-00 P.M. on 7th April 1964, Raja Shanmugha Rajeswara Sethupathy, the first respondent and party addressed a very largely attended meeting of voters at Sayalkudy in front of the Pettah. In the gathering the majority belonged to Makkulathors. The Raja told the gathering that held great respect towards late U. Muthuramalinga Thevar whom Makkulathors worshipped even as their chief. That man had passed away and the seat held by him in the Parliament had taken vacant. Who is to succeed in that seat? Is he a Malayalee Nair from Kerala? Are the Makkula Makkal to be reduced to that stage of depending on a Malayalee Nair from Kerala? He asked the voters—

“Are the hands which respected Thevar to be folded in homage before a Malayalee”.

So far as the speaker was concerned, he would never stoop down to betray and ruin his community (Makkulathors) in this manner. Only a person from the Makkulathor Community should be supported to occupy the seat left by Muthuramalinga Thevar. The first respondent also addressed this meeting. He said that on his behalf his elder brother Maharaja Sethupathy had told them everything in detail, and all should follow his advice. To preserve the greatness of late Pasumpon Thevar (U. Muthuramalinga Thevar) only a person from his ‘Samuham’ (i.e.), Maravar should occupy his seat and not a Nair from Kerala. He appealed to the voters to give him all support.

(g) On 9th April 1964, the elder brother of the first respondent Raja Shanmugha Rajeswara Sethupathy, M.L.A. (Madras), went to a number of villages Kallapatty, Natharipatty, Kalinganackanpatty, E. Reddiapatty, Sivasankupatty, Elayirampannai, Othayal, O. Mettupatty, Sattur and other places. He was accompanied by the first respondent and also by Sri S. V. Veerappa Naicker, Secretary of the District Congress Committee, Ramanathapuram district, Sri K. Dorairaj, Chairman, Sattur Panchayat Union, Sri M. A. C. Muthumanickam and others. The main purport of the speeches made by the first respondent's brother was that, in the place of late U. Muthuramalinga Thevar, a person whom the Makkulathors worshipped, a Malayalee Nair of Kerala State (meaning thereby the petitioner) cannot be substituted and that attempt would amount to betraying and throwing the Makkula Makkal (community of Maravars, Ahambadiyars and Kallars) into a deep abyss and he the speaker would not be party to it. According to the speaker it is not proper for his ‘Samuham’ (Thevars) to depend upon a Nair when a chief was necessary for his ‘Samuham’. In all these places, the first respondent also spoke. He appealed to the voters to follow what his elder brother, the Raja Shanmugha Rajeswara Sethupathy had spoken to them on his behalf and to give him all support.

(h) The meeting at Kollanatty took place at about 10-00 A.M. on 9th April 1964. In this meeting Sri S. V. Veerappa Naicker, Secretary of the District Congress Committee, Ramanathapuram district, Sri M. A. C. Muthumanickam, Raja Shanmugha Rajeswara Sethupathy, M.L.A., first respondent and a few others addressed the gathering. All these speakers referred to the fact that only a person belonging to the Maravar Community should be supported and elected in the place vacated by late Sri U. Muthuramalinga Thevar, who was a jewel among Maravars and never a Nair from Malayalam. Particularly, Raja Shanmugha Rajeswara Sethupathy spoke in detail and appealed to the voters that the late Sri U. Muthuramalinga Thevar was a great leader worshipped by all the Makkulathors and that only a person from the Makkulathor Samuham should occupy the seat in the Parliament left vacant by his death. A Malayalee Nair from Kerala State should not be allowed to occupy this seat. That he would not be a party to betray the entire Makkulathor Samuham and to ruin them by allowing a Malayalee Nair to be elected. The last speaker was the first respondent who reminded the gathering to carefully follow

what his elder brother told them and also stated that the Forward Bloc candidate (meaning the petitioner) is a Malayalee Nair whereas he is a Makkulathor and as such the voters should only support him.

(i) In the meeting addressed at Sattur town by the same party on the same date that is 9th April 1964 at 8-30 p.m. there was a record gathering of many thousands of voters. In this meeting Raja Shanmugha Rajeswara Sethupathy, M.L.A. Sri S. V. Veerappa Naicker, M. A. C. Muthumanickam, R. Dorairaj, Chairman of Sattur Panchayat Union and the first respondent Sri Kasinatha Dorai addressed the voters. The main theme stressed as a factor in support of the candidature of Sri R. Kasinatha Dorai, the first respondent and also as a ground against the petitioner by all was that the petitioner is a Malayalee Nair from Kerala and that the first respondent is a Marava belonging to the same community of Makkulathors whose undisputed leader was the late Sri U. Muthuramalinga Thevar. Raja Shanmugha Rajeswara Sethupathy was the main speaker. In the course of his address to the voters he told them that in place of late Sri U. Muthuramalinga Thevar, whom the Makkulathors worshipped a Malayalee Nair from Kerala (meaning thereby the petitioner) cannot be substituted and that the attempt would amount to betraying and throwing the Makkulathu Makkal (the community of Maravars, Abamudiyars and Kallars) into a deep abyss and he the speaker would not be a party to it. In a contemptuous tone he exhorted to the voters posed the question to them as to whether with the hands with which they worshipped their leader, are they asked to worship a Malayalee. According to the speaker it was not proper for his Samuham (Thevars) to depend upon a Nair when a chief was necessary for his Samuham. After the Raja Shanmugha Rajeswara Sethupathy concluded his speech, the first respondent addressed the voters. He endorsed what all his elder brother, the Raja Sethupathy had spoken and told the audience, that on his behalf his elder brother Maharaja had told them everything and that they should all follow his advice and act accordingly casting their votes only in his favour a Marava by caste and not to support a Nair from Kerala.

(j) On 10th April 1964, Raja Shanmugha Rajeswara Sethupathy accompanied by his brother the first respondent and others went to Sivakasi town and addressed a public meeting near the Theppam at about 10-00 p.m. There was a big gathering many of whom belonged to Makkulathors. In the course of his address the Sethupathy stressed that the opposite candidate (meaning thereby the petitioner) is a Nair from Kerala. Is he the proper person to occupy the seat left vacant because of the death of U. Muthuramalinga Thevar? People of Tamilnad and Makkula Makkal worshipped Sri Muthuramalinga Thevar as a great leader. In his place only a person belonging to this place and his samuhama should be supported. The opposite party candidate Velayutha Nair is a Malayalee from Kerala. The voters should not support him. If he is supported it would amount to a betrayal of the entire Makkulathor Community and the people in these parts. He concluded his speech with a fervent appeal to the voters never to support a Malayalee Nair from Kerala in the place of his brother, the first respondent a native of Ramanathapuram district and a Makkulathor. The first respondent also spoke in a short speech told the audience that his brother Sethupathy had spoken what all he had to speak. He appealed to the voters to remember the valuable words uttered by his brother Raja Shanmugha Rajeswara Sethupathy, who spoke on his behalf and give him their entire support.

(k) The same party visited and addressed meetings at Thayilpatty and other places on that same date (Throughout the campaign the fact that the petitioner is a Malayalee Nair from Kerala was used as a ground against him.

(l) On 11th April 1964, Raja Shanmugha Rajeswara Sethupathy and the first respondent addressed meetings at Nalur and other places. In the meeting at Nalur village which took place at 8-30 p.m. both Sethupathy and the first respondent referred to the petitioner as some Malayalee from Kerala. The fact was mentioned as a ground against the petitioner and the first respondent while concluding his speech remarked that if any one voted for the petitioner, a Malayalee Nair of Kerala, such act would amount to a great injustice committed to Makkulamakkal and to the memory of their leader late Muthuramalinga Thevar.

(m) On 12th April 1964, a public meeting was held at Thiruchuli under the auspices of the local Congress Committee to promote the candidature of the first respondent. The meeting was held in the Kamaraj Thidal. At about 7-30, the Raja Shanmugha Rajeswara Sethupathy accompanied by the first respondent Srirangam Pillai, the President of the District Congress Committee, Ramanathapuram and one Chokkalingam arrived. All of them addressed the meeting which was very largely attended to by the voters in Thiruchuli and adjoining villages. Raja Shanmugha Rajeswara Sethupathy in the course of his speech referred to the petitioner as a Nair from Kerala and as such a person not fit to occupy the seat in Parliament held by Shri U. Muthuramalinga Thevar, a great leader of the Maravars. Only a person belonging to the Marava Community should be supported to take the place in Parliament left by Sri U. Muthuramalinga Thevar. To him it appeared



an attempt to ruin and destroy the future of the Mukkulamakkal (Maravars, Ahambadiars and Kallars) if they are asked to vote for a Malayalee Nair from Kerala to occupy the seat vacated by Sri U. Muthuramalinga Thevar. He exhorted the voters only to vote for the first respondent who is a Maravar by caste. Srirangam Pillai also spoke and appealed to the voters to follow what the Sethupathy had advised them to do. He asked them not to vote for the petitioner who is a Nair from Trivandrum. The first respondent was the last speaker. He told the gathering that his elder brother Raja Shanmugha Rajeswara Sethupathy had spoken on his behalf and the valuable words uttered by him should not be forgotten at the time of the poll. They should all remember that a Malayalee Nair from Kerala was put as the Forward Bloc Candidate and that with the death of Thevar, the Forward Bloc also ended. He asked the voters not to vote for a Malayalee, but to give him their fullest support since he was a Mukkulathor.

(ii) On 15th April 1964, the first respondent, Srirangam Pillai, the President of the District Congress Committee, Kamanathapuram and Raja Shanmugha Rajeswara Sethupathy, M.L.A., came to Aruppukkottai and addressed a large meeting at Sivankoil "Thidal". Raja Shanmugha Rajeswara Sethupathy addressed the gathering. He questioned the propriety of a Malayalee Nair from Kerala standing as a candidate for the seat held by late Muthuramalinga Thevar. He said that late Muthuramalinga Thevar was worshipped by the Mukkulamakkal (Maravars, Kallars and Ahambadiars) with great respect. Now he is no more. Another leader like him could not be found who is to occupy the seat held by him as his successor. Is it by a Nair from Kerala? Are the (Mukkula Makkal) and our Samuham to depend on a Nair and worship and stand before him in obedience. The speaker could not think of betraying and ruining the Mukkula Makkal in this way. He appealed to the voters not to vote for a Malayalee Nair from Kerala, but only to vote for his brother who is a Mukkulathor. The first respondent spoke in the same manner practically repeating what his elder brother Raja Shanmugha Rajeswara Sethupathy said. He appealed to the voters to follow what his brother the Sethupathy had just then told them.

9. It was obvious taking advantage of the fact that in the Aruppukkottai Constituency very large number of voters, larger than any other caste, came from Mukkulathor Community, the first respondent and his supporters had made it a point to stress the fact that he is a member of the Mukkulathor Community from which the deceased U. Muthuramalinga Thevar also came. In so stressing this aspect, they had planned to refer to the fact that the petitioner came from a different State and region and spoke a different language and belonged to a different caste and community.

10. The first respondent's presence in almost all the above speeches during the election campaign and his participation by short speeches on most of those occasions make it clear that the above-said appeal to the voters was made either by himself or by others with his consent and connivance.

11. The petitioner submits that the appeal to the voters made by the first respondent, his brother and other who spoke for the first respondent, and with his consent and connivance, on the lines submitted above was really an appeal to the voters, to vote for the first respondent on the ground of his race, caste, community, region and language (a Thevar of Tamilnad) and not to vote for the petitioner on the ground of his race, caste, community, region and language (a Nair from Kerala State). This was certainly in the interest of and for the furtherance of the prospects of the election of the first respondent and for prejudicially affecting the election of the petitioner. The petitioner further submits that by such appeal to the voters, who belonged to the Mukkulathor Community, in such large numbers the voters were considerably influenced in favour of the first respondent and against the petitioner and thus the result of the election has been materially affected in so far as it concerned the returned candidate under section 100 (1) (D) of the Act.

12. The petitioner further submits that by these systematic speeches and campaigns, the first respondent and persons who spoke with his consent, for the furtherance of the prospects of the respondent and for prejudicially affecting the election of this petitioner there was promotion as in any event attempt to promote feelings of enmity and hatred between the Mukkulathors of Tamilnad and the Malayalam Nairs of Kerala, all citizens of India on grounds of race, caste, community and language. This is a corrupt practice under section 123 (3) (a) of the Representation of People Act 1951.

13. The petitioner submits that section 123 (3) was amended and 123 (3) (a) was introduced in 1961 by the Legislature only for curbing communal and separatist tendencies in the country and in spite of it the campaign by and on behalf of the first respondent in connection with the election is a clear violation of the principles underlined in the provisions of the Act and the Indian Constitution.

14. The petitioner submits that the first respondent, his brother and several others who spoke for the first respondent are therefore guilty of corrupt practices under sections 123 (3) and 123 (3) (A) of the Representation of the People Act, 1951 and should be disqualified for election, the election of the first respondent has to be declared void in consequence under section 100 (1) (b) of the Act. In any event, the result of the election has been materially affected by the commission of corrupt practices under sections 123 (3) 123(3) (a) in the interests of the first respondent by his agents and the election has therefore to be declared void under section 100 (1) (D).

15. The petitioner further submits that the names of hundreds of voters have been deleted just before the elections as seen from the list of voters relating to the Polling Booths of Tiruchuli and Mudukulathur area. The petitioner craves leave to file the voters lists with the deletions and other relevant records showing the particulars.

16. The petitioner submits that there was really no occasion or reason or justification for such wholesale deletion with respect to that area alone, practically on the eve of the election. This was really non-compliance with the provisions of the Constitution and of the Representation of the People Act, 1950 and the rules and orders made thereunder.

17. This area is a strong-hold for the Forward Bloc Party. Several thousands of the voters who would have cast their votes for the petitioner were told to their surprise that they had no votes. The results of the election has been materially affected so far as it concerned the returned candidate on this ground also.

18. For the above amongst other reasons, the first respondent should stand disqualified and the election of the first respondent has to be declared to be void.

19. The petitioner further submits that but for the votes obtained by the first respondent by the corrupt practices referred to above, the petitioner would have obtained a majority of votes.

20. In the circumstances the petitioner has to be declared to have been duly elected in the election.

21. The petitioner has deposited a sum of Rs. 2,000 as security for the costs of this petition with the Government Treasury, Madurai Sub-Treasury, on 25th May, 1964, in favour of the Election Commission and the Government Treasury receipt is herewith enclosed as required under section 117 of the Act (The Madurai Sub-Treasury Chalan No. is 5191 for Rs. 2,000.).

The petitioner, therefore, prays—

- (a) that the election of the first respondent be declared as void;
- (b) that the petitioner be declared to have been duly elected;
- (c) that the contesting respondents may be directed to pay the costs of this petition to the petitioner; and
- (d) that the petitioner be entitled to such further or other reliefs as justice and circumstances may require.

(Signed) K. VELAYUDHA NAIR,

Petitioner

26-5-1964.

I, the petitioner above named do hereby declare that what is stated in paragraphs 1, 3, 13 and 21 is true to my knowledge and what is stated in paragraphs 2, 4 to 12, 14 to 20 is known from information and records and that I believe the same to be true, signed this the 26th day of May 1964 at Madras.

(Signed) K. VELAYUDHA NAIR,

Petitioner

26-5-1964.

[No. 82/13/64.]

By Order,

PRAKASH NARAIN, Secy.

